

- ACB*
- (b) from 5 to 10 % by weight deionized water;
  - (c) from 3 to 5 % by weight a potassium-containing compound; and
  - (d) from 30 to 40 % by weight glycerin; and
  - (e) from 30 to 35 % by weight propylene glycol,

said gel not being a dentifrice and not containing an abrasive.

23. (Amended) A method of preventing tooth hypersensitivity in a patient undergoing dental bleaching, comprising the step of:

*ACB*

applying a dental bleaching composition to the teeth comprising a peroxide releasing compound and from 1% to 35% by weight a potassium-containing compound, wherein said potassium-containing compound is present in a safe and effective amount to prevent tooth hypersensitivity upon application of the composition to teeth, said composition not being a dentifrice and not containing an abrasive.

#### REMARKS

Entry of this amendment and reconsideration of the present application, as amended, is respectfully requested.

Claims 1-25 are presently active in this application.

Initially, in response to the Examiner's remarks as pages 2 and 3 of the Action, independent claims 1, 9, 18 and 23 have been amended as suggested by the Examiner to now specify that the composition or gel is not a dentifrice and does not contain an abrasive. As noted by the Examiner, this limitation is described in the specification at page 5, lines 16-20. In view of these changes, it

is believed that any rejection of the claims in view of admitted prior art facts (a) and (b) should no longer be applicable.

With respect to the election of species requirement, applicant hereby elects to prosecute the following species:

(a) carbamide peroxide as one of the peroxide releasing compounds set forth in claim 2;  
(b) potassium bicarbonate as one the potassium-containing compounds set forth in claims 8, 17 and 25 (it is noted though that the Examiner did not require an election between potassium nitrate and the potassium-containing compounds of claims 8, 17 and 25 and therefore, it is believed that the embodiments including potassium nitrate are also elected inventions (if otherwise, applicant elects potassium nitrate as the potassium-containing compound-claims 3-6, 16 and 24); and  
(c) a gel as one of the compositions set forth in claim 7.

Further, applicant elects the above combination:

- (d) with carboxypolymethylene as set forth in claim 12;
- (e) without hydroxyalkyl cellulose as set forth in claim 13;
- (f) with glycerin as set forth in claim 9;
- (g) without propylene glycol as set forth in claim 18; and
- (h) without sodium hydroxide as set forth in claim 10.

In view of the foregoing elections, claims 1-9, 11, 12, 14-17 and 23-25 read on the elected inventions.

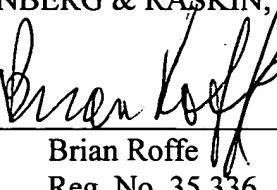
A petition for a one-month extension to extend the time for response one month from March 25, 1999 to April 25, 1999 is submitted herewith along with the petition fee of \$55, applicant having qualified for small entity status.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

STEINBERG & RASKIN, P.C.

By:

  
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Encl.

Petition for one-month extension  
with fee of \$55